

PHILLIP A. TALBERT
United States Attorney
ANTHONY CAPOZZI
Assistant United States Attorney
2500 Tulare Street, Suite 4401
Fresno, CA 93721
Telephone: (559) 497-4000
Facsimile: (559) 497-4099

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

LUIS MAURICIO CASTENON,

Defendant.

CASE NO. 1:22-CR-00309-ADA-DAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

CURRENT DATE: June 14, 2023
TIME: 1:00 p.m.
COURT: Hon. Barbara A. McAuliffe

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and LUIS MAURICIO CASTENON, by and through defendant's counsel of record, Anthony Capozzi, hereby stipulate as follows:

1. By previous order, this matter was set for status on June 14, 2023.
2. By this stipulation, defendant now moves to continue the status conference until August 9, 2023, and to exclude time between June 14, 2023, and August 9, 2023, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].
3. While the parties anticipate that the case may resolve without a trial, this is not yet a certainty. On May 16, the Court authorized current defense counsel to substitute in on the case. On June 6, 2023, defense counsel advised undersigned counsel he has not yet obtained discovery from Mr.

1 Castenon's prior counsel due to a protective order being in place. The government will get Mr. Capozzi
2 discovery within the next two weeks. If defendant ultimately does not enter a guilty plea and decides to
3 proceed to trial, the parties agree and stipulate, and request that the Court find the following:

4 a) The government asserts that discovery in this matter has been provided to
5 defendant's prior counsel. The government is aware of its ongoing discovery obligations, and
6 will provide discovery to current defense counsel as well..

7 b) The parties will engage in further discussions regarding a resolution of the case.

8 c) Counsel for the defendant desires additional time to consult with his client, to
9 review the current charges, to conduct investigation and research related to the charges, to review
10 and/or copy discovery for this matter, to discuss potential resolutions with his client, to prepare
11 pretrial motions, and to otherwise prepare for trial.

12 d) Counsel for defendant believes that failure to grant the above-requested
13 continuance would deny them the reasonable time necessary for effective preparation, taking into
14 account the exercise of due diligence.

15 e) The government does not object to the continuance.

16 f) Based on the above-stated findings, the ends of justice served by continuing the
17 case as requested outweigh the interest of the public and the defendant in a trial within the
18 original date prescribed by the Speedy Trial Act.

19 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
20 et seq., within which trial must commence, the time period of June 14, 2023 to August 9, 2023,
21 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4],
22 because it results from a continuance granted by the Court at defendant's request on the basis of
23 the Court's finding that the ends of justice served by taking such action outweigh the best interest
24 of the public and the defendant in a speedy trial.

25 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
26 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial

27 ///

1 must commence. IT IS SO STIPULATED.

2
3 DATED: June 6, 2023

PHILLIP A. TALBERT
United States Attorney

4 By: /s/ Kimberly A. Sanchez
5 KIMBERLY A. SANCHEZ
6 Assistant U.S. Attorney

7 DATED: June 6, 2023

By: /s/ Anthony Capozzi
8 ANTHONY CAPOZZI
9 Attorney for Defendant
LUIS MAURICIO CASTENON

10
11 **ORDER**

12 IT IS SO ORDERED that the status conference is continued from June 14, 2023, to **August 9,**
13 **2023, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe.** Time is excluded pursuant to 18
14 U.S.C. § 3161(h)(7)(A), B(iv).

15
16 IT IS SO ORDERED.

17 Dated: **June 7, 2023**

/s/ *Barbara A. McAuliffe*
18 UNITED STATES MAGISTRATE JUDGE
19
20
21
22
23
24
25
26
27
28